

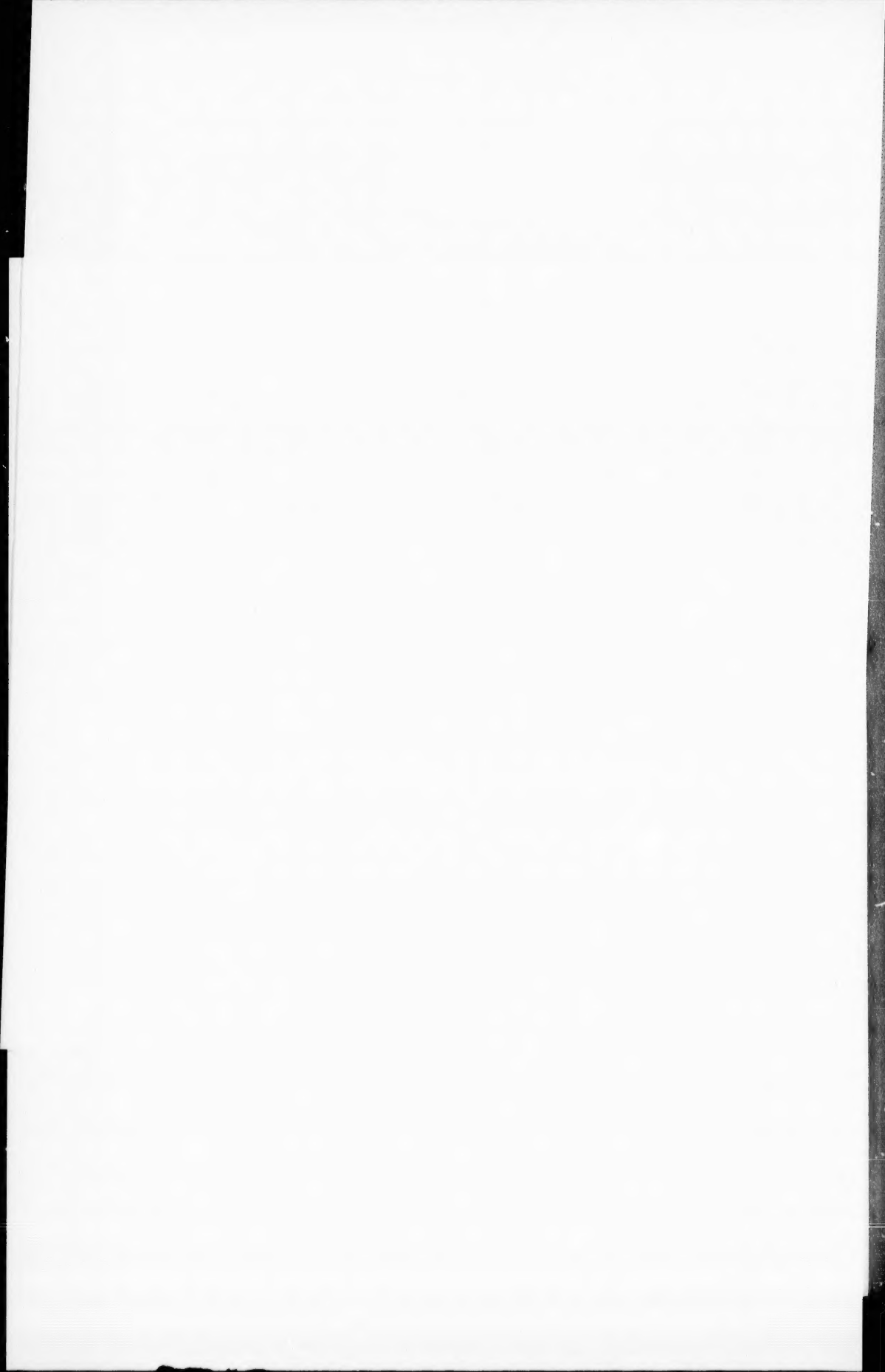
P A P E R S

RELATING TO

The Roman Catholic Religion.

Ordered, by The House of Commons, to be printed,
21 May 1813.

PAPERS



P A P E R S

RELATING TO

The Roman Catholic Religion;

VIZ.

I.—Dispatch from Sir *Charles Stuart* to Lord Viscount *Castlereagh*; dated, Lisbon, 17 October 1812;—Three Enclosures.

II.—Manifesto of The *Spanish* Regency;—20 May 1813.

Extract from the Code of General Law for the Prussian States; dated, Berlin, 1791.

Ordered, by The House of Commons, to be printed,
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I.

LIST of Papers presented to the House of Commons, in pursuance of an Address, dated the 17th May 1813.

Copy of Dispatch from Sir Charles Stuart to Lord Viscount Castlereagh, dated Lisbon, 17th October 1812 :—With Three Enclosures.

First Enclosure :

Translation of a Letter from Don Louis de Cunha to The Nuncio, dated 27th August 1770.

Second Enclosure :

Translation of a Letter from Don Josef de Ayuso, to Sir Wm Beresford, dated Salamanca, 20th July 1812.

Third Enclosure :

Translation of a Royal Letter from the King of Portugal to The Cardinal Patriarch, dated 23d August 1770.

II.

LIST of Papers presented to the House of Commons, in pursuance of an Address, dated the 20th May 1813.

No. 1.—Translation of the Manifesto of the Spanish Regency, relative to the conduct of the Archbishop of Nicea, the Pope's Nuncio in Spain ; dated Cadiz, 23 April 1813.

No. 2.—Extract from the Code of General Law for the Prussian States, relating to the Roman Catholic Church ; dated Berlin 1791.

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I.

Copy of a Dispatch from Sir *Charles Stuart* to Lord Viscount *Castlereagh*; dated
Lisbon, 17th October 1812:—(Three Enclosures.)

Lisbon, 17th October 1812.

My Lord,

I Have been honoured with your Lordship's circular Letter, enclosing certain Queries from Sir John Cox Hippisley, tending to ascertain the extent of the Jurisdiction exercised by the Court of Rome, in this Kingdom; whether by the circulation of Bulls, the confirmation and nomination of Bishops, or in other cases, where the pretensions of that Church affect the temporal supremacy of the Sovereign.

The Question has been frequently and thoroughly canvassed by the principal legal authorities of the kingdom; and the reasoning they have brought forward in favour of the rights of the Crown, has been conclusive; and on few occasions has been combated by the Roman casuists with any degree of success.

In proof of this assertion, I transmit your Lordship, by the present opportunity, the accompanying works of the Jurist Antonio Pereira, and of Sir Seabra, with several public theses, drawn up according to the statutes of the University of Coimbra; supporting the doctrines, on which, beyond a doubt, all the Edicts respecting these important subjects, published since the expulsion of the Jesuits, are legally grounded.

Among these Edicts, I send that respecting the Bull "*de Apostolicum pascendi*," which positively refers to questions of this nature, and adverts to the prohibition of all publications under ecclesiastical authority, without the previous approval of the Government.

The same principle is laid down officially in the Letter addressed by D. Luiz da Cunha, the minister in 1770, to the Pope's Nuncio; which is not considered to contain doctrines in any wise derogatory to the established laws of the kingdom.

The following case, which is perfectly applicable to this question, occurred within the last month:

A Portuguese Clergyman, intimate with the Nuncio, who had written the enclosed pamphlet, in support of the Italian or Ultramontane Doctrines, having been refused the licences necessary to publication, printed the work in England. A number of copies having been distributed in this country, the principles they inculcated attracted the notice of the Censor, who immediately drew up and transmitted to the Government, the very able review I forward; not only at once going over all the points which have been submitted to my consideration by Sir John Cox Hippisley, but setting forth the actual law of the kingdom, shewing the dangerous tendency of the doctrines supported by the Court of Rome in Portugal, and inducing the Government to direct the Procurador da Coroa, or Attorney General, to commence legal proceedings against the Author.

Though the Concordat drawn up by the Queen's ministers in 1778, and of which I enclose a copy, does not answer the tone which is remarkable in M. de Pombal's communications with the Clergy and with the Court of Rome, yet the paragraph alluded to in the marginal note marked +, evidently shews the Italians do not understand that any of the rights formerly maintained by the Crown Laymen of Portugal have been given up.

Though your Lordship is, doubtless, well acquainted with the law of Spain on this subject, a consultum of the University of Salamanca, particularly adverting to the situation of the Catholics in H. M. Dominions, which was obtained by Marshal Beresford in that city, is so perfectly satisfactory, that I feel it my duty to forward the enclosed copy to your Lordship.

I have the honour to be, &c.

(Signed) CHAS^S STUART.

(First Enclosure.)

Translation of a Letter from Don Luis da Cunha to The Nuncio ;

dated 27 August 1770.

HIS Majesty has been pleased to order, that the Briefs which Your Excellency transmitted to me, should pass through the usual examination ; and on their contents, he has commanded me to acquaint Your Excellency in His royal name, That, being perfectly aware, it neither is, nor can be, the intention of his Holiness to alter and pervert the Laws, laudable customs and privileges of these Kingdoms, or that, from the powers granted to the Apostolic Nuncios, should arise any thing that might disturb the public tranquillity, or be detrimental to the interests and the welfare of His Majesty's subjects, and to the good administration of justice,—

His Majesty therefore desires, that Your Excellency do not exceed these just limits of the powers with which you are invested ; and also do abstain from any thing that may be contrary to the above-mentioned Laws, laudable customs and privileges, as well as from whatever abuses may have been introduced against them. Your Excellency will also keep in mind, that the Judges of the Crown will take cognizance of every thing which your Excellency may practice, or allow to be practised contrary to the laws of His Majesty : And further, that in those cases in which Appeals may be laid before His Majesty, the prosecution of the Suits is to be suspended, and the original Evidences transmitted to the said Judges, that they may decide whether any violation or abuse has taken place in said suits, and also whether the laws, customs and privileges of this kingdom, have been faithfully observed.

I am particularly desired to acquaint your Excellency, that you are not to visit the Cathedrals, nor take cognizance of any thing appertaining thereunto in the first instance, nor allow the judges and officers of the legation to make any exorbitant charges, but merely those which are customary to be made in the Courts of Auditorship of this Metropolis ; nor ought the fees in verdicts respecting matters of justice and grace, to be more than those which are legally established ; thus avoiding all cause of complaint and scandal, which His Majesty is perfectly aware would be derogatory to your Excellency's character, and to the orders you have received.

His Majesty further commands me to acquaint your Excellency, that you should appoint a person to fill the office of National Promoter, as has always been the custom ; His Majesty also cannot but praise the wise resolution he knows your Excellency has taken, of choosing for the Legation, men of talents, experience, and integrity ; by which means the inferior Prelates will not be hurt, or complain at their decisions being revoked, by ministers who do not possess these requisite qualifications. His Majesty also acquaints your Excellency (as one of those cases which most frequently happen) that the religious members are in the habit of appealing to the court of Nunciature, in order to frustrate the correction of their superiors, and withdraw themselves from that obedience which they owe to them, demanding without any just cause, actions, exemptions, permissions, grants, licences, &c. from whence result (as long experience has dearly proved) the greatest disorders, relaxations of their regular institutes, disturbances in the communities, and scandal to the people abroad ; of all these circumstances, His Majesty informs your Excellency, that it should come to your knowledge, that it is His pleasure your Excellency do not decide or judge of any thing which may concern matters respecting the economical government of the regular communities of both sexes within their respective

respective cloisters, nor admit any appeal from them in any degree whatever; and in conformity thereto, His Majesty has already acquainted all the superior Prelates, in order that they might know it and fulfil it, as also enjoin it to all under their jurisdiction.

Not only the enlightened spirit with which his Holiness has edified the whole universe, by separating the most holy rights of Apostolic Supremacy from his supreme power, which God has made distinct, in order to establish thereupon the reciprocal union of the Altar and the Throne, and with it the perpetual peace of the Church, and the public tranquillity of those Kings and States, who are devout Sons of so holy and revered a mother; but also the great confidence the King places in the well known talents and worthy intentions of your Excellency, make His Majesty hope your Excellency will always act in such a manner, as to call forth His praise; and that your Excellency may experience the most repeated effects of the profound veneration and respect, which His Majesty entertains for His Holiness and the Apostolic Faith, and of the great esteem in which he holds the person of your Excellency, not only for the dignity of your public character, but also for the distinguished qualities and recommendable virtues that so highly adorn your Excellency.

Your Excellency will be pleased to favour me with an answer in writing, to what is herein contained; and on receipt of which I will deliver the Briefs now in my hands to the person whom your Excellency may send to receive them; in the meanwhile I make a tender of my services in the most ready and willing manner. May God take your Excellency in his holy keeping!

Most Illustrious, and

most Reverend Sir,

B. of maos, &c. &c.

D. L. de Cunha.

Court, 27 August 1770.

(Second Enclosure.)

Translation of a Letter from Don Josef de Ayuso, to Sir W. Beresford; Salamanca, 20th July 1812.

Most Excellent Sir,

I HAVE the honour to transmit your Excellency a Copy of the Dictamen, which the University of Salamanca gave, upon the Affair (consulta) of the Roman Catholics of Ireland, by order of the King of Spain, on the 3d of March 1789. It's then Rector, Don Diego Muñoz Forrero, now a deputy of the Cortes for Estremadura, is well known, and is now President of the Commission of the Constitution.

I have seen few *Claustros* (so are called the Meetings of the Doctors and Masters to deliberate on matters belonging to the University) that have been so fully attended by the Members of the University, and few in which there has existed so much unanimity of opinion.

Three things were consulted on: First, If the Pope, the Cardinals, or any other Ecclesiastical Authority, hold any Civil or Political Power over the Supreme Civil Power of the King of Great Britain?

Secondly: If any Ecclesiastical Power could absolve his Subjects from their Oath of Fidelity?

Thirdly: If any Ecclesiastical Authority can break the Agreements and Contracts made with persons who profess a Religion different from the Catholic?

The University did not hesitate to declare, that it ought to answer in the Negative to those three Questions; and named six Commissioners of the Theologians, and four of Jurisprudence, to draw up their opinion.

These held a Meeting, and appointed two of themselves, the fourth and fifth of those who sign the Paper, to form the Answer. In a very short time and at another Session, it was presented, and unanimously approved of, and thence presented to the general Meeting (*Claustro*) where it was confirmed without hesitation. The University was so immediately convinced of the justness of this opinion, that it

required but little time to consider, and in fact, no one can prove that it is a principle of the Roman Catholic Religion, or a dogma of the Romish Church, to give any political power to its Prelates over the temporal sovereignty, over the fidelity that is due to it from its subjects, or over the contracts or pacts made by Catholics with persons of a different Religion.

It is certain that there have been individual writers who have held different opinions (*sus opiniones*, their opinions) upon this point: but the Catholic Church has never received them as Doctrine or Articles of Faith, nor have those writers ever presumed to give them such authority.

On the contrary, many learned and pious Authors have supported the opposite doctrine, founded on that most solid foundation of not being able to discover this political power, which the former wish to attribute to the ecclesiastical Prelates in any of the books of Holy Writ, and it being totally unknown to the first ages.

The Romish Church acknowledges two Supreme Powers, but of different kinds, and in all things distinct. The political, temporal and civil, and the spiritual; between which may reign great harmony, but no dependency. The Civil can do nothing which respects Articles of Faith; nor has the Spiritual any right to interfere in what is temporal.

The political power can decide nothing upon the essential points of Religion; it cannot determine upon an Article of Faith, nor administer the Sacraments, nor determine any thing upon what belongs to the worship of the Divinity; nor has the spiritual any right over civil Society, over the State, or over the Chiefs in the civil or political.

The Christian princes preserve all their authority entire and full, without subjection to the Church, in the same manner as the infidels; and similarly as individuals are masters of their own houses and privileges, without any dependence upon priests, so the monarch enjoys this power entire, without the least diminution, and without acknowledging over it that of the priesthood. Jesus Christ neither exercised, or transmitted to the Apostles or their successors, any temporal power whatever; on the contrary, he subjected himself with the greatest submission to the established authorities, ordering to be given to Cæsar that which was Cæsar's, paying tribute, and acknowledging the authority of Pilate himself. St. Peter and St. Paul taught, that all, of whatever class or condition, ought to be subject and obedient to the King, and to all other legal authorities, and to abstain from a desire to govern, and declaring that whoever resisted the legal authorities resisted the order of God; and Paul himself appealed to, and sought redress, at the tribunal of Cæsar.

In the first and most flourishing ages of the Church, the most submissive subjects were the Christians; and their priests and the Roman pontiffs have testified themselves, in a thousand manners, their respect for the Emperors in what was political: so far were they from arrogating to themselves in that point any preeminence. Such are the principles of religion. Nor does the King of Great Britain stand on any other footing than all other kings; consequently it is most clear that no ecclesiastical prelate can assume any civil power in that illustrious kingdom, nor have any power to absolve or dispense subjects from their oath of allegiance. The maxims of our Faith order obedience to superiors, though they do wrong; and it does not permit, that under any pretence of religion, any one should omit what is his duty to them. The great Apostle of the Gentiles, *inculcated* subjection to princes, and directed they should be prayed for, even though Pagans; and as it is not fit that any one should renounce that which he is not authorized for, the dispensation of an oath made to the king, by another authority, and of an order different and distinct, would be very extraordinary, as that the Prelates should exercise a power over the temporal, that was neither delegated to them from Christ, or known to the first ages.

When even the Emperors were Christians, and some strayed from the faith, we do not see that the Popes or the Bishops dispensed (or broke) the oaths of allegiance which their subjects had made to them; nor did the famous St. Ambrosio, who had the firmness to excommunicate Theodosio the Great, and to prevent his entering the Church, attempt to absolve his subjects from the obedience they owed him; thus there is no foundation for the Ecclesiastics of our times assuming powers relative to the subjects of Great Britain unknown to their predecessors.

Religion

Religion not less than reason manifests that we ought to observe with the greatest exactness, fidelity in our agreements and contracts, whoever may be the person with whom they are concluded, without any regard to his religious principles or opinions. There is no doctrine which prohibits contracting with those who are of a different belief. David, and other religious Princes made alliances with the kings of the Infidels; and we do not see that they were reprehended for it in the Holy Writ. Our pious Kings of Spain have made many treaties with Mahometans and with other States, in which the religion differs from the Catholic; but they never on that account believed themselves exonerated from the obligations contracted. They treat, they agree, they contract with them, as men. So that as the Catholics would not desire to be deceived by those of a different belief, they cannot and ought not themselves to deceive under so frivolous a pretext, since a difference of religion does not derogate from the great principle of nature (the great general principle) inculcated by Jesus Christ: "That which you desire not for yourself, wish not for another; and whatsoever ye would that men should do to you, even so do ye unto them."

The contrary would be prejudicial to the Catholics themselves, as no one would contract with them under the knowledge that their religion furnished them with a pretext for not fulfilling their engagements.

If it was a doctrine of the Catholic faith, that the prince was politically dependent upon another authority, and which would dispense his subjects from the allegiance they owe him, and that it was permitted to break obligations made in favour of those who held a different belief, the English Government and all others would justly mistrust citizens, who under so specious a pretext could throw off their civil obligations, and acknowledge another political power greater than that of the chiefs of the State. However there is not certainly any such doctrines in the Catholic religion; and whatever may be the opinions of some particular writers on this subject, the Church has not acknowledged them nor ever will, as articles of faith or as principles of belief.

The very reverse, it holds as a certain and necessary maxim, obedience in the political to the supreme temporal power; looking to it as its protector and that of religion, and acknowledging all the rights of the sovereignty without any diminution, conceding to it on these principles, the right that no Bishop shall be nominated except persons of his approbation, that they may not be suspected by the state; a right that has been constantly exercised by all the Sovereigns of Europe, and more particularly by the Kings of Spain from the most remote times, by the express approbations of the antient Councils of Toledo, and of the Popes of the later ages, who never confirm any Prelate, but such as are presented by the Spanish Monarchs. These acknowledge the Pontiff's supremacy only in spiritual concerns, without conceding to him a right or power of any kind in political affairs, on which account they keep and have always reserved the right to examine the Bulls or Rescripts; and none are allowed to be published, but when approved of by the King; on which particular and others relative to this matter, we have many authors of high repute and estimation; and amongst them of very particular merit, is the work, "The impartial Judgment of the Conde de Campomanes on the Monitorio de Parma," published in 1768.

Salamanca, 20th July 1812.

To His Excellency
Marshal Beresford.

(Signed) *Josef de Ayuso.*

(Third Enclosure.)

Translation of a Letter from the King of Portugal to the Cardinal Patriarch.

23rd August 1770.

For the Cardinal Patriarch; Royal Letter.

TO the most Illustrious and most Reverend in Christ, the Cardinal Patriarch of Lisbon, my beloved brother! I Don Joseph by the Grace of God King of Portugal and of the Algarves on both the Continents of Europe and Africa, Lord

of Guinea and the Conquests of the Navigations and Commerce of Ethiopía, Arabiá, Persiá, Indiá, &c., Do greet you as one whom I love and cherish :

Whereas with the just and indispensable motives which constituted the basis of My general and perpetual Law given in this Palace of our Lady of Ajuda, on the sixth day of May, of the year one thousand seven hundred and sixty five, issued for the purpose of preserving and keeping in full force and vigour, the inviolable observance of the laws and the ancient and laudable customs not only of this kingdom, but also of all other Monarchies, Estates and Sovereigns of Europe, who are the most distinguished for their veneration to the Apostolic See; I commanded that the bulls, briefs, decrees, orders, mandates, decisions, or any other rescripts and mandates of the Roman Court, should not be acted upon until I had heard the Attorney General's opinion respecting them, and that after they had passed through the usual forms and examinations, I had granted My Royal Assent: And whereas My Royal and Pious intention expressed in the said Law, was to maintain the temporal independence of My Throne, the constant firmness of My Laws, the observance of the laudable customs of My Kingdom and of My Courts of Judicature, that by these means I might preserve the public tranquillity of the People committed to My care, without ever attempting to deprive the High Pontiff and the Tribunals of the Roman Court of their just and lawful jurisdiction, in those matters which immediately concern them; I therefore thought proper to explain you this Law, which I do by these Presents; assuring you, at the same time, that in the said Law were not, nor ought not to be included the briefs issued a *Penitenciaria*, or the ordinary rescripts that have any respect to business between private individuals, provided these do not contain any matter relating to or connected with any of the above mentioned points that constitute principles always unalterable, as they are directed to maintain the public tranquillity of My Realm and Subjects.

To the Most Illustrious and Most Reverend Father, Cardinal Patriarch of the City of Lisbon, may God take you into his holy keeping!
Given at our Palace of our Lady d'Ajuda, on the 23d day of August 1770.

(Signed) THE KING.

An exact copy of the above was transmitted to all the Archbishops, Bishops, and Prelates, invested with Spiritual Jurisdiction in this Kingdom and its Dominions.

II.

No. 1.—Translation of the MANIFESTO of the Spanish Regency, relative to the Conduct of the Archbishop of Nicea, the Pope's Nuncio in Spain.

To the Prelates and Chapters of Spain,
The Regency of the Kingdom.

UPON taking into My hands the government of the Kingdom, I find myself under the painful necessity of interfering with a subject, equally delicate from its publicity and transcendent nature, as from the character of the persons who were concerned in it. The Chapter of the Cathedral of Cadiz, with their Capitular Vicar, and the Ordinary and Military Vicars of this Town, pretending the defence of Religion, and a fear of acting against their own consciences, opposed themselves to the publication, in the parish churches, of the Decree and Manifesto of the Cortes, concerning the establishment of the Tribunals for the protection of the Faith, instead of the lately abolished INQUISITION; I therefore adopted the most energetic measures, in order that whilst those decrees were duly enacted, Spain might be preserved from the convulsions which threatened her at that moment. To those measures, equally tending to maintain the dignity of the Holy Church, and the tranquillity of the State, we owe the extinction of a flame which might have consumed the kingdom. But the circumstance of having desired from the Chapter of this Church, and from some others with whom I had been in correspondence, an authentic Copy of their Resolutions, and other documents, that we might take such steps as the justice of the government and the offended Sovereignty of the nation called for, led to the discovery of a fact which greatly increased my sorrow, both on account of the character of its author, and the danger to which it exposed the country.

Among the documents that were laid before us, there appeared a letter from the most Reverend Peter Gravina, Archbishop of Nicea, and Nuncio of his Holiness for Spain, to the Dean and Chapter of the Cathedral of Malaga—(1) dated 5th March last; in which he exhorted them to delay, and even to oppose the execution of His Majesty's decrees concerning the Inquisition. The Most Reverend Nuncio appeared by his signature to act in that instance only in his archiepiscopal character, notwithstanding that he was protesting against the injury which he supposed to have been done to the Holy See, in the abolition of the Inquisition, and the Decree for promulgating it in the parish churches. He also says, in his letter, that the Bishops now resident in this town, had it in contemplation to answer to government,—that they could not put those decrees into practice, until they had heard the opinion of their Chapters,—at the same time, throwing a slur upon those Bishops by the intimation, that this was intended as a mere pretext; after which, he explicitly adds, *That they thus gained time to make all the proper remonstrances upon the matter.* He further states, that the Chapter of this Church, *sede vacante*, had declined to execute the Decree; upon which he exhorts the Chapter of the Church of Malaga to adopt the opinion of all the Prelates (thus reckoning upon their disobedience,) and endeavours to persuade them, that, *by acting according to his advice, they would do an important service to religion, to the Church, and to our Most Holy Father, whose authority and rights he conceived to be vulnerated, without thereby favouring the Episcopal power.* It is also added, that he had thought it his duty to remonstrate (2), in the name of his Holiness, opposing the execution of such Decrees, until the Pope had given his consent or approbation; or, in defect of the Pope, the same were done by a national council; and he, finally, closed his letter with a promise of communicating to them, under the greatest secrecy, every circumstance, as it should take place, which might contribute to regulate their conduct for the future.

Copies of Letters have been also forwarded to me by the Rev. Bishop of Jaen (3) and the Chapter of Granada, *sede vacante*, (4)—similar to the above-mentioned, and which, with the same object, and under the same date, were directed to them by the most Rev. Nuncio. From these it appears that the said Nuncio, trampling on the

first principles of international Law, overlooking the boundaries of his public mission, and abusing the veneration in which this pious people hold the Legates of the Apostolic See, has endeavoured to promote, and actually has promoted, under the cloak of Religion, the disobedience of some very respectable Prelates and Ecclesiastical bodies to the Decrees and Orders of the Sovereign Power. If the most Reverend Nuncio had only intended to act as a Legate of the Holy Father, and to avoid any expostulation, to which he might conceive himself exposed for his silence on the present subject, nothing obstructed his way to me through the medium of the Secretary of State. I might overlook his avoiding this regular and official means of communication, when he remonstrated as he thought proper upon the matter, and should have attributed the informality of the conduct which he chose to adopt, to inadvertency, or rather to an access of confidence. I should have only paid attention to his arguments, and, with the advice of the supreme Congress, taken such resolutions as the defence of the Holy Church and the temporal good of the State, demanded with one voice from me.

The justice of the national cause makes me feel quite confident that, had this been the case, I should have been satisfactorily answered the note of the most Reverend Nuncio, and that I should have been found equal to meet those vague and common-place arguments, which the wisdom of the most August Congress has already defeated. His uneasiness would have been calmed when he should see that the abolition of the Inquisition can, by no means, either endanger Religion, or injure the rights of the Roman Pontiff; and that all the fears which he entertains, on that account, for the primacy of the Holy Father, and the supreme authority which he holds in the Church, are most vain and ungrounded. His qualms would have been allayed, concerning the impropriety which he seems to find in the circumstance of declaring to the people during the celebration of Mass, that a tribunal which was established, and for three centuries protected by the Popes, is useless, injurious, and contrary to the laws of the kingdom. In fine, he would have seen that the August Congress, in this purely political question, has acted in virtue of its sovereign authority, without injuring in any way whatever, the rights of the Holy Father, or, much less, those of the Catholic Church; so that they might, either now, or in future, be in need of the remonstrances of Nuncios or Councils.

But the private letters, which under the same date as the note, were written by the most Reverend Archbishop of Nicea, and the fact of his having mentioned therein that he forwarded a remonstrance to the Government upon the subject, are circumstances which clearly prove that whilst he betrayed the secrecy which he himself recommended, he aimed not merely to avoid the charge of negligence in the fulfilment of his office, but rather to raise in the pious clergy of Spain, and by their means in the People at large, a distrust of the temporal authorities which he thus strove to decri; and to check their influence over a class of the State, the members of which by reason of their conspicuous rank, ought to be true samples of subordination and obedience.

This unlooked for behaviour of the most Reverend Nuncio, has compromised the honour of the National Congress, the security of the Kingdom, the authority of the Episcopal Order, the true rights of the Roman Pontiff, and the respect which is due to the Church. He, on the one hand acknowledges in his note the authority of the Cortes, whilst on the other, by means of a secret correspondence, he sows disaffection and insubordination amongst the Spanish Clergy. In the character of a public Envoy he makes application to the Supreme Government, claiming redress; whilst as an individual Prelate he spreads private letters tending to the discredit of that very Government. When addressing the Regency he conjures the zeal of the Ministers of Religion; and when speaking to those Ministers, he insults that same Religion, by making it a tool to foment the insubordination which it condemns. With the Government he assumes the character of a delegate of the Holy Father, who is thereby to be supposed incapable of making an ill use of his mission; with the subjects of that Government he becomes an intriguer, a secret agent ready to give them private intelligence of the progress of that disobedience, of which he is the promoter and fosterer. As a Nuncio of his Holiness, he affects an eager desire for the concord of the Empire and the Priesthood: as an Archbishop he strives to burst asunder the only bonds which keep them together.

What might not the nation fear from this foreign Prelate, who, forgetting his dignity and the character of his mission, transforms the Representative of the head of the Church into an agent of petty interests, very different from those of the

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primacy of order and jurisdiction which belongs to his Holiness, into a bawling of feuds, which could end in nothing but a civil war. The imagination can hardly encompass the mass of evils to which he has exposed our afflicted nation, by such an unheard of step. The letters imply that he had previous notice of the resistance which the Chapter and Vicars of Cadiz were to make. Of the object of those dilatory measures which the Bishops, now resident in this town, had agreed to adopt, as well as of other steps which were in contemplation, tending to confirm that resistance, and to spread it over the kingdom. The plan being one, the interest the same, the measures every where analogous, it evidently appears that the effects of the cooperation and support of the Reverend Nuncio, must have been fatal to the representative body, and to the government on which the nation reposes its hopes of independence.

The Spanish people are fully aware, that the Decrees of the Cortes have no other scope but the combined support of the Catholic Faith, and the temporal prosperity of the kingdom. To shake this just conviction, and blast all the hopes which are grafted on it, was the object of those letters, and those injunctions of secrecy with which the Most Reverend Nuncio supported the schemes of the Chapter of Cadiz. This illustrious personage has, therefore, been wanting to the rules of his office, to the consideration due to the National Congress, and to the confidence with which a Catholic nation has sheltered him in its bosom,—a nation which now, more than ever, requires the most perfect internal union, if she is to hope for success in her struggle with tyranny. He has besides done a great injury to the Christian Religion, whose interests he pretends to promote, by inducing the loyal and peaceful Spaniards to disaffection and resistance. Neither is the offence slight with regard to the Holy Father, whose disapprobation of a conduct so openly at variance with the Gospel, is ensured by his heroic virtues. That man insults the religious principles of the Pope,—who can suppose him capable of asserting in a foreign kingdom, the pretensions of his Court,—nay, even his undoubted rights, by encouraging rebellion amongst the people. The false step of the Most Reverend Nuncio is one of the greatest evils which the captivity of the Holy Father has produced to our pious nation: and nothing but the special care of Providence could prevent its fatal consequences. But such has been the loyalty and obedience of the Bishops and the Chapters of Spain, that they have adopted the apparently uncivil course, of not even answering the Nuncio's letters.

However, this is not enough to appease my mind. The flame which has been quenched so luckily might be raised at another time, and they might grasp at some opportunity of opposing upon the loyalty and exalted piety of our nation: and I should not be worthy of the trust which the nation has reposed upon me, if I did not provide against such danger. What I could not wink at in a Spanish Bishop, I will not suffer in a foreign Prelate, who so ill requites the hospitality and generosity of the Spaniards. I am ready to excuse the errors of what some people are willing to call Policy; but I cannot dissemble to myself, that any degree of connivance in this particular instance, would be highly criminal, both from the injustice of the act, and the ruinous consequences which it might bring upon the country.

I bear in mind the unwearied zeal with which our monarchs have defended their own authority against the pretensions of the Court of Rome. The mere suspicion that Briefs might contain some doctrines or decrees contrary to the privileges of the Crown, has been deemed sufficient reason to stop their circulation, until they are examined and approved by Government. Whenever any relaxation appeared to glide in on this point, Government has instantly applied a steady hand to stop its progress. Our history presents very awful examples of this kind, which might have been a warning to the most Reverend Nuncio. A Government which has been so jealous of its unalienable rights, is now doubly bound to take the most effectual measures against an agent of that same Court, who by means of intrigue and underhand practices, endeavours to promote and organize a religious and political schism, which might endanger the security of the State. These reasons have roused my justice: but, although I conceive myself fully authorized to exercise it on the Most Reverend Peter Gravina, by ordering him out of Spain, and seizing his temporalities, I have limited myself to command that the following Royal DECREE be transmitted to him; and this for the reasons expressed therein:—

DECREE.

"THE REGENCY of the Kingdom expected that your Excellency having regard to the public character of a Legate of his Holiness, with which you are accredited, to a Nation equally heroic and religious, would have kept within the limits of that character, forbearing to abuse the consideration with which the Spanish government has continued to acknowledge you in an Embassy, the legitimacy of which was rendered very doubtful by the captivity of the Holy Father and of our King Ferdinand VII. as well as from other circumstances. His Highness relied on the strong motives which might and should have regulated your private conduct. But he has now beheld with surprise the steps which your Excellency has taken on the affair of the Inquisition. When on the 5th of March, you presented a Note to the President and Supreme Council of Regency, that very day as Archbishop of Nicea, you wrote to the Chapters of Malaga and Granada, and to the Archbishop of Jaen, exhorting them, especially the two first, to delay, and even refuse their acquiescence in the Decrees which his Majesty had issued concerning the establishment of Tribunals for the Defence of the Faith, instead of the abolished Inquisition, and for the publication, in the Parish Churches of a Manifesto of the Cortes. Your Excellency was not contented with writing such letters as might, through the perversion of public opinion, lead to a schism upon that delicate and important subject. Besides this, your Excellency had the boldness to betray that secrecy, which you had recommended in your Note; at the same time that you enjoined it to the Chapters and Bishop, in order that they might look upon you as the author of a scheme, which tended to stop the exercise of the temporal authorities, and promised them to transmit intelligence of every circumstance, as it should take place, which might contribute to regulate your combined plans for the future. A conduct so contrary to the law of nations; a conduct by which, overstepping the limits of your public character, your Excellency has availed yourself of the immunity which that character enjoys, that you might, as a foreign Prelate, organize the resistance of those individuals, who by reason of their rank, should be true samples of subordination, cannot be looked upon by his Highness with indifference; much less when you represent that conduct as an important and indispensable service due to Religion, to the Church, and to our most Holy Father, whose authority and rights, according to the opinion of your Excellency, are wounded by the Decrees in question, without their favouring thereby the Episcopal Dignity; his Highness is horror struck at the consideration of the fatal consequences which threatened the State, and which naturally must have followed the advice which your Excellency has given, supported as it is by arguments of such an inflammatory nature. But although his office, of Guardian of the state and Defender of religion, fully authorized him to order you out of these kingdoms, and seize upon your temporalities, his desire of evincing the veneration and respect which the Spanish nation has always had for the sacred person of the Pope, and the fear of now increasing his sorrows, have dissuaded his Highness from resorting to that measure. His Highness has limited himself to command, that the disapprobation of your Excellency's conduct be expressly declared; as also that he expects that your Excellency will keep in future within the limits of your mission, without availing yourself again of the opportunity, which your character of foreign Prelate affords you, to take the same or similar steps; but that all your remonstrances will be made to Government through the medium of the Secretary of State; and your Excellency may be sure, that should you henceforward forget the duties of your charge, his Highness shall find himself in the painful, though absolute necessity, of exercising his full power in the execution of those which he swore to fulfil, when he accepted the high trust committed into His hands.

God preserve, &c.

(Signed) *Antonio Cano Manuel.*

Cadiz, April 23, 1813.

To his Lordship the Archbishop of Nicea.

The reasons which have compelled Me to this resolution, and the incontrovertible truths, which, as protector of the sacred laws of the Church, I have pointed out in this Manifesto, make me trust, that the worthy Prelates of the Spanish Church, and their respectable Chapters, will contribute, by means of their authority and sound learning,

learning, to the fulfilment of the good wishes of the Sovereign Congress, and My own, in favour of Religion and the State.

(Signed) *L. de Bourbon*,
Cardinal of Scala, Archbishop of Toledo,
President.

Cadiz, April 23, 1813.

NOTES.

(1.) Most illustrious Sir,—My most respected Sir, The Manifesto of the Cortes, the Decree addressed to the Bishops, for reading it on the three first following Sundays during high mass; and several others, relating to the abolition of the Inquisition, to which a Tribunal is substituted, with the title of Protector of the Faith, are on the eve of publication.

The Lords Bishops, resident in this town, intend to answer, that they dare not take any step upon such an important subject, without consulting their Chapters; and so they will gain time to expose whatever may be deemed fit upon the subject.

The Chapter of this Church *sede vacante*, grounded on a petition of their Vicars, and other reasons which shall be expressed in their answer, will refuse to execute the Decrees. I have deemed it my duty to represent, in the name of his Holiness, against the Decrees, unless they are previously consented to, or approved by the Pope; or, in his defect, by a national Council. I think it necessary to transmit this information to your Illustrious Lordships, trusting that on such an important business you will conform yourselves with the opinion of all the other Prelates; doing thereby a great service to religion, to the Church, and to our Most Holy Father, whose authority and rights are vulnerated, according to my opinion, and that, without favouring the Episcopal authority. All this, as your prudence will suggest, requires the greatest secrecy; and with the same, I will communicate to you every circumstance, as it shall take place, that may contribute to direct our proceedings for the future.

God preserve, &c.

Most Illustrious Sir, &c.

(Signed) *P. Archbishop of Nicea*.

To the Most Illustrious Dean and Chapter
of the Holy Church of Malaga.
Cadiz, March 5, 1813.

(2.) Most Serene Lord,—The Nuncio of his Holiness has heard in the greatest bitterness of his heart, that your Highness is on the eve of circulating and publishing the Manifesto and Decree of the August Congress, in which his Majesty declares the tribunal of the Holy Inquisition to be incompatible with the Political Constitution of the Monarchy, and substitutes another which may, according to wise and just laws, protect the Catholic Apostolic Roman Religion, the only true one, which exclusively of all others, his Majesty has so piously sanctioned. No one, even among the native Spaniards, feels more respect than I do towards that August Congress, nor will any one exceed my punctuality in obeying its wise commands. But the subject in question belongs to the Church, and is of the greatest importance, and of a very highly important nature, as one in which Religion is concerned, and from which it may suffer irreparable injury. A Tribunal is going to be suppressed or abolished, which was established by the Holy Father in the exercise of his Primacy and Supreme Authority over the Church, for objects purely spiritual, as the preservation of the Catholic Faith, and the extirpation of Heresies; thereby leaving without effect the power which his Holiness had delegated to that tribunal. In such a case, and being enjoined to me by the brief of my legation to make the greatest possible exertion in all things concerning the Catholic faith, and the Holy Roman Church, as also to do whatever I may find to be in favour of the Church; and for the consolation and edification of the people, and the honour of the Holy See, I should be wanting to all these sacred duties, if, with the greatest respect as well as with the Christian Liberty of an Apostolic Legate and a Representative of the Pope, I did not state to your Highness, that the abolition of the Inquisition may be extremely injurious to Religion, whilst it actually wounds the rights and primacy of the Roman Pontiff, who established it as necessary and beneficial to the Church and the Faithful. What can henceforward

prevent the diminution of that reverence and submission which all Christians owe to the decisions of the Vicar of Christ, the visible head of the Church, when in Her very bosom, and during the holy sacrifice of the Mass, they shall be told that a Tribunal established, kept up and defended for three centuries, under the sanction of the most severe penalties, by the Popes, is not only useless, but detrimental to Religion itself, and contrary to the wise and just laws of a Catholic Kingdom?—If his Holiness were free at the present moment, I should content myself with giving him notice of this event; but as He is, most unfortunately, kept in the captivity which we so much lament, I find it necessary and indispensable to protest, in his name, against an innovation of such influence in the Church of Spain, and which wounds the rights of the Supreme Pastor of the Universal Church, the Vicar of Jesus Christ; and trust that your Holiness, led by your well known religious feelings, and consummate prudence, will take the most effectual measures, in order that the August Congress, who so ardently desires to protect the Religion we profess, may be pleased to suspend the execution and publication of their Decrees, until, at some more happy period, the approbation or consent of the Roman Pontiff may be obtained, or, in his default, that of the National Council, whose peculiar province it is to regulate these religious and ecclesiastical matters. None of these considerations can escape His Majesty's wisdom; nor can his great piety take it amiss that I, in the exercise of my ministry, and with all the necessary secrecy and due sense of submission, should, through your medium, lay before His Majesty this most humble Petition, so intimately connected with the good of the Universal Church, and especially of the Church of Spain, the happiness of the Monarchy, and even the honour and prosperity of His Majesty; which is the object of my most ardent wishes, as well as of my incessant prayers to Heaven. God preserve, &c.

(Signed)

P. Archbishop of Nicaea,

Most Serene Lord President, and
Supreme Council of Regency.
Cadiz, March 5, 1813.

Nuncio of his Holiness.

(3.) Most illustrious Sir!—Sir, my most esteemed Brother.—I have thought that it became my office to remonstrate to the Regency, concerning the Decrees of the August Congress, which are ordered to be circulated and published, for the abolition of the Holy Inquisition; and also to give you this information, and let you know that the Chapter of this Cathedral, *sede vacante*, with the approbation of the Bishops resident in this town, are determined not to put the said Decrees into execution, without the previous and mature consideration, which a subject of such weight demands. I leave it to the wisdom of your most illustrious Lordship to make use, with due secrecy, of this information, and regulate your proceedings according to what you may deem just.

God preserve, &c.

Most Illustrious Sir, &c.

(Signed) *P. Archbishop of Nicaea.*

To the Most Illustrious Lord Bishop of Jaen.
Cadiz, March 5, 1813.

(4.) This letter is similar to that which the Nuncio addressed to the Dean and Chapter of Malagar, under the same date.

No. 2.—Extract from the Code of General Law for the *Prussian States*, relating to the **ROMAN CATHOLIC Church**:—Dated Berlin 1791.

(Part. II.) *Of Ecclesiastical Functionaries in general.*

1. In the Roman Catholic Church, § 114. seq.
Of Bishops within the realm.
- a. Their relation to the State.

ALTHOUGH the Churches of those religious Sects, which have been received in the State, stand under the direction of their Ecclesiastical Superiors, still the State exercises

exercises over them, through the medium of the Ecclesiastical department, such rights, as constitute part of its Supreme Power, and which have not been expressly reserved to their Superior. No Bishop can, without permission of the State, make new Regulations in Ecclesiastical Concerns, or accept such from any Foreign Ecclesiastical Authority, unless such Privileges have by the State been expressly granted him. The Publication and Execution of such Regulations, as Ecclesiastical Bulls, Briefs, &c. must always be preceded by the examination and approbation of the State.

(I.) *Immediately.*

(A.) *Diocesan Rights.*

The Bishops in the Roman Catholic Church, are the Superiors of all Religious Establishments situated in their respective Dioceses, and not expressly exempted from their jurisdiction.

Their Diocesan Rights consist of the following :

(a) On their approbation depends the admission of Candidates to the Ecclesiastical Dignity.

(b) They have the Right of Inspection over the Clergy, who owe them obedience and respect.

(c) They are entitled to make Visitations.

(d) To them belong the Church Discipline and Punishments, consisting either in Ecclesiastical Penitential Exercises, or in Penalties not exceeding 25 Dollars, or in Imprisonment, not exceeding the space of One Month.

Gross misdemeanors, also private actions originating in the exercise of Ecclesiastical Functions, belong to the Ecclesiastical *Forum*. Long Imprisonment and other Corporal Punishments fall under the Criminal Jurisdiction.

(e) Their Jurisdiction may be also exercised in temporal affairs, if that Privilege be expressly granted them by the State.

(B.) *Synods.*

Synods within the Realm, and consequently in a more particular manner Invitations to Foreign Councils, must, as well as their Decrees, be sanctioned by the Cognizance, Co-operation, and Approbation of the State.

Immediately, in the Person of other Vicars.

The Bishops are at liberty to exercise their Functions by Delegates ; but the appointment of Vicars General must be sanctioned by Government, and it is only then they can exercise the Faculties conferred upon them by the Pope.

The jurisdiction of a Foreign Bishop within the realm, depends entirely on the express permission of the State. The jurisdiction to foreign superiors within the limits of the State, must be exercised by a Vicar, whose appointment has been sanctioned by Government ; and he has strictly to observe the limits prescribed to him.

Formerly the Chapters of Cathedral Churches possessed the *Congé d'élire*, in the same manner as in England, though, at the same time, the recommendation of the Sovereign amounted to a virtual nomination of the Bishop. In the year 1810-11, however, even this privilege has been abolished in the Prussian states ; and since that period all nominations to higher Roman Catholic Ecclesiastical benefices, are exclusively vested in the King.